

From: jerry
To: Microsoft ATR
Date: 12/10/01 9:12am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am a consumer and have been harmed directly by Microsoft's illegal business practices. My hope that Microsoft will be prevented from continuing to flaunt the laws of this nation has been severely diminished due to the recent shift in the position of the Department of Justice, as seen in the proposed settlement.

Some facts seem to have eluded the present U. S. vs. Microsoft representatives for the Department of Justice. First, Microsoft has been found to be a monopoly, both by the original judge, and unanimously by the appellate court. Second, Microsoft has been found to have illegally manipulated its monopoly position through anticompetitive business practices. In short, the DOJ case was successful, and in simple language, Microsoft lost. The proposed settlement seems to set aside these basic facts by handing Microsoft not a punitive outcome, but a "warning ticket".

Some of us among the U. S. citizenry expect those who break the law and defy the authority of the judicial system to be punished. We expect the Department of Justice to live up to its title, and those who sit in judgement to fulfill the charge to treat violators of the public trust, as defined by legislation duly enacted and upheld by the courts, as such. Letting Microsoft off with little more than a token judgement, with no other anticipated penalties than the mere extension of the warning for an additional two years makes a mockery of the effort and expense of the prosecution, to say nothing of respect for the rule of law.

Microsoft has blatantly defied the prior consent decree, and will do so again. Microsoft has willfully submitted false evidence, changed its story to suit itself, and obfuscated common sense, not only in marketing slogans, but under oath during judicial proceedings.

The only way to compel Microsoft to cease taking illegal advantage of its monopoly position is to end the monopoly. Microsoft is not above the law. This nation is not founded on special treatment and double standards.

The buck stops at the judicial level, for that is the only branch of government that can be considered remotely immune from the influence of political machinations. It seems that the only possibility of changing the direction of this case is in your hands. Consider the law, consider the precedents and findings, but most of all consider the nature of the monopolist, and its unrepenting tendency to disregard all ethical responsibilities. Finally, consider what measures will be necessary for

successful enforcement.

Thank you for your consideration,
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